

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**LISA FLOYD ETIENNE**

**PLAINTIFF**

*as Guardian and Conservator of Cory Etienne, Ward*

**v.**

**CIVIL ACTION NO. 1:20-cv-229-TBM-RPM**

**WARTSILA NORTH**

**AMERICA, INC., et al.**

**DEFENDANTS**

**ORDER**

This matter is before the Court on Defendant Crum & Forster Specialty Insurance Company's Motion to Sever, or, Alternatively, Motion to Bifurcate [98] and Defendant XL Insurance Company SE's Motion to Dismiss for Lack of Jurisdiction [118]. At the hearing conducted in this matter on February 17, 2022, the Court, having considered the pleadings, the record, the oral arguments of counsel, and the relevant legal authority, announced its findings and conclusions.

The Court concluded that Defendant Crum & Forster Specialty Insurance Company's Motion to Sever, or, Alternatively, Motion to Bifurcate [98] should be granted in part and denied in part. The Motion to Sever is denied, but the Motion to Bifurcate the trial involving the insurance coverage claim against Defendant Crum & Forster Specialty Insurance Company from the tort claims against the other defendants is granted.

Additionally, the Court concluded that Defendant XL Insurance Company SE's Motion to Dismiss for Lack of Jurisdiction [118] should be denied without prejudice in order to allow the parties the opportunity to fully brief the questions presented as the issues have been narrowed as

recognized at the hearing. Defendant XL Insurance Company SE shall have thirty (30) days from the date of this Order to file a renewed Motion to Dismiss for Lack of Jurisdiction.

THEREFORE, IT IS ORDERED AND ADJUDGED that, for the reasons stated on the record at the hearing held on February 17, 2022, Defendant Crum & Forster Specialty Insurance Company's Motion to Sever, or, Alternatively, Motion to Bifurcate [98] is GRANTED in part and DENIED in part. Defendant Crum & Forster Specialty Insurance Company's request to sever is DENIED. Defendant Crum & Forster Specialty Insurance Company's request to bifurcate is GRANTED.

IT IS FURTHER ORDERED that Defendant XL Insurance Company SE's Motion to Dismiss for Lack of Jurisdiction [118] is DENIED WITHOUT PREJUDICE.

THIS, the 17th day of February, 2022.

A handwritten signature in blue ink, appearing to read "Taylor B. McNeel", is written over a horizontal line.

TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE